

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christopher Connors	Team: Squad #7	CCRB Case #: 201803124	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/08/2017 1:40 PM	Location of Incident: in front of 1371 Rogers Avenue	Precinct: 70	18 Mo. SOL 11/8/2018	EO SOL 11/8/2018	
Date/Time CV Reported Sat, 04/21/2018 11:57 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sat, 04/21/2018 11:57 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Michael Christiano	06436	932341	RTCC
2. DTS Deven Okvist	05635	947309	LIC DIV
3. DT3 Jay Richiez	4293	941089	GANG BS

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Michael Christiano	Abuse: Detective Michael Christiano frisked § 87(2)(b)	
B.DT3 Michael Christiano	Abuse: Detective Michael Christiano frisked § 87(2)(b)	
C.DT3 Jay Richiez	Abuse: Detective Jay Richiez searched the vehicle in which § 87(2)(b) was an occupant.	
D.DTS Deven Okvist	Abuse: Detective Deven Okvist searched the vehicle in which § 87(2)(b) was an occupant.	

Case Summary

On April 21, 2018, § 87(2)(b) filed this complaint with the CCRB.

On May 8, 2017, at approximately 1:40 p.m., § 87(2)(b) and a male individual named § 87(2)(b) were driving north-bound along Flatbush Avenue in Brooklyn. § 87(2)(b)'s vehicle, a black § 87(2)(b), was stopped by an unmarked police van. Inside of this vehicle were Det. Michael Christiano, Det. Deven Okvist, and Det. Jay Richiez of Brooklyn South Gang Unit. § 87(2)(b) was stopped for failing to signal when switching lanes.

Det. Okvist informed § 87(2)(b) that he had a suspended license, and placed him under arrest. Det. Christiano then instructed the occupants on the passenger side, § 87(2)(b) and § 87(2)(b) to exit the vehicle. Det. Christiano then frisked § 87(2)(b) and § 87(2)(b) (**Allegation A and Allegation B: Abuse of Authority, § 87(2)(g)**). After determining § 87(2)(b) was under arrest, Det. Richiez and Det. Okvist allegedly searched § 87(2)(b)'s vehicle. The officers entered via all four doors of the vehicle, as well as the trunk of the vehicle. Nothing was recovered from this search (**Allegation C and Allegation D: Abuse of Authority, § 87(2)(g)**). After allegedly searching the vehicle, the officers transported § 87(2)(b) to the 67th Precinct stationhouse for arrest processing (**Board Review 01**).

§ 87(2)(b) was arrested and charged with § 87(2)(b). § 87(2)(b) and § 87(2)(b) were neither arrested nor issued summonses.

There is no known video footage for this incident.

Potential Issues

During his CCRB interview, Det. Christiano acknowledged frisking two occupants of § 87(2)(b)'s vehicle, identified via the investigation as § 87(2)(b) and § 87(2)(b). However, the investigation was unable to locate and obtain testimony from either victim, and § 87(2)(b) did not testify to observing this interaction (**Encl. Board Review 03**).

Findings and Recommendations

Allegation A – Abuse of Authority: Detective Michael Christiano frisked § 87(2)(b)

Allegation B – Abuse of Authority: Detective Michael Christiano frisked § 87(2)(b)

After it was determined that § 87(2)(b) was under arrest, Det. Christiano asked § 87(2)(b) and § 87(2)(b) to exit from the vehicle. During his CCRB interview, Det. Christiano testified he frisked § 87(2)(b) and § 87(2)(b) by patting down the area around their waistbands.

Det. Christiano testified he did not observe either of the two occupants reach or grab anything within the vehicle. He did not observe any item within the visible areas of the vehicle that caused him to be concerned for his safety or to indicate a weapon was present within the vehicle. Det. Christiano testified his motivation for these frisks was that he initially believed § 87(2)(b)'s vehicle would be vouchered as arrest evidence. When asked why he conducted the frisks, Det. Christiano stated, "For my safety." Det. Christiano acknowledged there was nothing either

individual said or did that constituted a threat to his safety and that the frisks were conducted as a matter of procedure (**Board Review 03**).

NYPD Patrol Guide Procedure 212-11 states a frisk is authorized when an officer reasonably suspects a person is armed and dangerous (**Board Review 02**).

§ 87(2)(g)

Allegation C – Abuse of Authority: Detective Jay Richiez searched the vehicle in which

§ 87(2)(b) **was an occupant.**

Allegation D – Abuse of Authority: Detective Devan Okvist searched the vehicle in which

§ 87(2)(b) **was an occupant.**

After § 87(2)(b) had been placed under arrest and brought to the rear of his own vehicle, he alleged he observed two officers enter all four doors of his vehicle, and search inside the center console, glove compartment and trunk (**Encl. Board Review 01**).

Det. Richiez, Det. Okvist testified they did not remember searching § 87(2)(b)'s vehicle. Both officers denied there was ever a discussion to search § 87(2)(b)'s vehicle and denied hearing § 87(2)(b) or any other civilian complain the vehicle was searched (**Board Review 04 and 05**).

§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- Det. Richiez has been a member-of-service for 12 years and this is his seventh CCRB complaint. § 87(2)(g) (**Board Review 07**).
- Det. Okvist has been a member-of-service for 10 years and this is his eighth CCRB complaint. § 87(2)(g) (**Encl. Board Review 07**).
- Det. Christiano has been a member-of-service for 15 years and this is his second CCRB complaint. § 87(2)(g) (**Encl. Board Review 07**).

Mediation, Civil and Criminal Histories

- Mediation was presented to both § 87(2)(b) who opted to pursue an investigation.
- § 87(2)(b) [REDACTED]
[REDACTED]
[REDACTED] (Board Review 08).
- According to the Office of Court Administration (OCA) § 87(2)(b) and § 87(2)(b) have no history of convictions in New York City (Encl. Board Review 08).
- On September 20, 2018, a request was sent to the New York City Comptroller's Office in regard to any notice of claim filed for this incident. It will be added to the case file upon receipt (Board Review 09).

Squad No.: 7

Investigator:	_____ Signature	_____ Print Title & Name	_____ Date
Squad Leader:	_____ Signature	_____ Print Title & Name	_____ Date
Reviewer:	_____ Signature	_____ Print Title & Name	_____ Date